

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>MARGARET A. CARTER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 2:07cv00682-WKW</b>
	)	
<b>DIALYSIS CLINIC, INC.,</b>	)	<b><u>JURY TRIAL DEMANDED</u></b>
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Dialysis Clinic, Inc. (“DCI”) is a not-for-profit corporation that provides treatment to patients with end-stage renal disease in both a chronic care setting (at stand-alone DCI clinics) and in an acute care setting (generally off-site at local hospitals). Plaintiff is a former Charge Nurse at the DCI clinic in Union Springs, Alabama. She asserted one cause of action in this case: retaliatory discharge in violation of the FMLA. (Complaint ¶¶30-31).

During the summer of 2005, Plaintiff exhausted all of the Family and Medical Leave Act (“FMLA”) leave to which she was entitled. At the end of her FMLA leave, DCI granted Plaintiff an additional 30-day personal leave of absence in accordance with company policy. At the end of her extended leave of absence, DCI terminated Plaintiff’s employment because she was not able to return to her full-time work schedule, and she declined the potential opportunity to work two, twelve-hour shifts per week.

DCI is entitled to summary judgment because Plaintiff cannot show (1) that there was a causal connection between her discharge and her FMLA leave or (2) that DCI’s reason for discharging her was a pretext for unlawful retaliation.

DATED this 13<sup>th</sup> day of June, 2008.

Respectfully submitted,

s/Davidson French

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> of June, 2008 a copy of the foregoing Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to

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Parties may access this filing through the Court's electronic filing system.

s/Davidson French